

## CHILDREN IN FAMILY LAW

# **COURSE MATERIALS**

Volume III

Philip Epstein and Carol Rogerson
Faculty of Law
University of Toronto

1999-2000

Prepared with the assistance of Brendan Van Niejenhuis

\*\*\*

These materials are distributed solely for classroom use by students in the Faculty of Law, University of Toronto

BORA LASAVILLEY LISTARY

FEB - 8 2000

FACULTY OF LAW UNIVERSITY OF TOROXTO

### CHILDREN IN FAMILY LAW

### **COURSE MATERIALS**

Volume III

Philip Epstein and Carol Rogerson
Faculty of Law
University of Toronto

1999-2000

Prepared with the assistance of Brendan Van Niejenhuis

\*\*\*

These materials are distributed solely for classroom use by students in the Faculty of Law, University of Toronto Digitized by the Internet Archive in 2018 with funding from University of Toronto

#### CHILDREN IN FAMILY LAW

### VOL. III 1999—2000

#### TABLE OF CONTENTS

### IX. CHILDREN'S WISHES: CHILD REPRESENTATION

For the Sake of the Children: Report of the Special Joint Committee on Child Custody and Access, 1998, "Improving Outcomes for Children: Hearing Children's Voices" 92	25
P. Epstein, "Custody and Access", Law Society Of Upper Canada, Family Law Bar Admission Course Materials	31
Wakaluk v. Wakaluk93	
Carol Huddart and Jean Ensminger, "Hearing the Voice of Children". 93	34
Office of the Children's Lawyer, Policy Statement, Role of the Child's Counsel	48
Judge Peter Nasmith, "The Inchoate Voice".	50
Boukema v. Boukema	63
Strobridge v. Strobridge	75
Reynolds v. Reynolds	83
M. Fineman, "The Politics of Custody and Gender: Child Advocacy and the Transformation of Custody Decision Making in the USA", in C. Smart and S. Sevenhuijsen, eds., Child Custody and the Politics of Gender	85
X. REDUCING CONFLICT IN THE ADVERSARIAL SYSTEM	
Paul McInnis, "Family Law: Mediate, Arbitrate or Litigate?"	95
Notice to Profession	98
Wendy Dennis, "The Divorce From Hell", Toronto Life Magazine, February 1996	99
J. Johnston and V. Roseby, "The Family Crucible of High-Conflict Divorce and Entrenched Custody Disputes" Chap. 1 in In the Name of the Child: A Developmental Approach To Understanding and Helping Children of Conflicted and Violent Divorce	13
J. Johnston and V. Roseby, "Building Multidisciplinary Partnerships with the Court", Chap. 9 in In the Name of the Child: A Developmental Approach To Understanding and HelpingChildren of Conflicted and Violent Divorce	24
XI. REFORM OF CUSTODY AND ACCESS LEGISLATION	
Hugh McIsaac, "Changing the Paradigm: The Effect of Recent Family Law Legislation in England, Australia, and the United States	35
Alastair Nicholson, and Margaret Harrison, "Betters Laws for Promoting the Best	
Interests of Children?: A Commentary on the Australian Family Law Reform Act 1995"	46

"The Family Law Reform Act 1995: Can Changing Legislation Change Legal Culture, Legal Practice and Community Expectations?", Interim Report, April 1999	1079
Washington State Parenting Act Study	1086
Eleanor Maccoby and Robert Mnookin, "Facing the Dilemmas of Child Custody" from Dividing the Child	1133
American Law Institute, "Principles of the Law of Family Dissolution:	1143
XII. CHILD ABDUCTION AND JURISDICTIONAL ISSUES	
A. Interprovincial Jurisdictional Issues	
P. Epstein, "Custody and Access: Jurisdiction" in Law Society of Upper Canada, Family Law Bar Admission Course Materials	1170
Brooks v. Brooks	1172
B. Child Abduction: Domestic and International Issues	
P. Epstein, "Custody and Access: Enforcement of the Custody Order" in Law Society of Upper Canada, Family Law Bar Admission Course Materials	1185
P. Epstein, "Custody and Access: Aspects of International Child Abduction" in Law Society of Upper Canada, Family Law Bar Admission Course Materials	
Ann Scholberg, "Child Abduction"	1197
Thomson v. Thomson	1220
Pollastro v. Pollastro	1245
Jay McLeod, Annotation to Pollastro	1255
Finizio v. Scoppio-Finizio	1257
Miranda Kaye, "The Hague Convention and the Flight From Domestic Violence: How Women and Children are Being Returned by Coach and Four" (optional reading)	1258
For the Sake of the Children: Report of the Special Joint Committee on Child Custody and Access, "Parental Child Abduction"	1270
Government of Canada's Response to the Report of the Special Joint Committee on Child Custody and Access, "Parental Child Abduction"	1273